

1 A. Did I tell Tammy that I was going ...

03:53:52 2 Q. To go to Jasper to see somebody who loved  
3 you.

4 A. You got me confused. I don't know what  
5 you're saying now.

03:53:59 6 Q. Okay. Were you talking about Bill King?

7 A. After we had the fight?

03:54:03 8 Q. Yes.

9 A. I didn't tell Tammy I was going to Jasper.  
10 I was in Jasper whenever -- if you're referring to  
11 the fight with Mr. Byrd?

03:54:11 12 Q. Talking about the fight with you and Tammy.

13 A. Oh, when me and Tammy had the fight?

03:54:17 14 Q. Right.

15 A. I told her -- we had the fight, and I told  
16 her to -- to take me to get my check. And she  
17 said -- she took me down to the -- where my part-time  
18 job was; and I got my check for, like, \$150. Told  
19 her to take me to the bus station that I was going to  
20 Bill King's house. And she took me to my cousin's  
21 house -- well, she took me to get my bus ticket  
22 first; and it was, like, two hours. So I waited over  
23 at my cousin's house and she took me to the bus stop.

03:54:49 24 Q. Why did she take you to your cousin's house  
25 if she'd already brought you to the bus station?

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1           A.     Because I asked her -- I told her the bus  
2     don't run for two hours and I didn't want to sit at a  
3     bus station. So she took me to my cousin's house and  
4     I waited for the bus schedule and he brought me to  
5     the bus station.

03:55:04 6           Q.     Okay. If she said you were down on your  
7     knees crying and begging her -- if she told that to  
8     the FBI, that would not be true?

9           A.     If she told you what?

03:55:12 10          Q.     Listen to me.

11          A.     I'm listening, but you're confusing me.

03:55:16 12          Q.     I'm confusing you?

13          A.     Yes, sir.

03:55:18 14          Q.     Okay. Let me see if I can unconfuse you,  
15     sir. If Tammy told the FBI the reason she brought  
16     you to your cousin's --

17          A.     Yes, sir.

03:55:27 18          Q.     Okay -- was because you were down on your  
19     hands and knees begging her --

20          A.     Take me to where? To my cousin's?

03:55:35 21          Q.     No, sir. That you were down on your hands  
22     and knees begging her not to make you leave, would  
23     that would be a true or false statement?

24          A.     Yes. I -- I asked her not to make me  
25     leave.

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03:55:52 1

Q. That would a true statement then; is that correct?

2

3

A. I told her not to make me leave. Matter of fact, she had got her Social Security -- or her income tax at that time.

5

03:56:03 6

Q. Okay. We don't need to know about that right yet.

7

8

A. I think that's the reason me and her got in and argument because she told me that she was fixing to go out and spend her money, and I told her --

10

03:56:13 11

Q. Okay.

12

A. She wanted --

03:56:15 13

Q. Hang on a minute. Let me ask you the question.

14

15

A. Okay.

03:56:18 16

Q. All right. So that was a true statement about you getting on your hands and knees and begging her not to make you leave; is that right?

18

19

A. I wouldn't say hands and knees. I was crying a lot because I didn't know where I was going, to tell you the truth at that time.

21

03:56:32 22

Q. Okay. Now then, did you tell her that you were going to Jasper to be with someone you loved?

23

24

A. I didn't say "love." I said I was going to Jasper to Bill King's house because I had just called

25

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1 him on the phone, like, two or three weeks prior to  
2 that.

03:56:46 3 Q. So if she said you said that, then she's  
4 lying; is that correct?

5 A. I don't know. I can't say if she's lying  
6 on that. You would have to ask her.

03:56:54 7 Q. Well, I'm asking you. Either you said it  
8 or you didn't, sir.

9 MR. BARLOW: Your Honor, I have to  
10 object. It's improper under the rules to ask one  
11 witness whether another witness -- or even potential  
12 witness, I guess, in this situation -- is lying.

13 THE COURT: Objection is overruled.

03:57:11 14 Q. (BY MR. HARDY) Would you answer the  
15 question, sir?

16 A. If she said that I was on my hands and  
17 knees crying to her because I didn't want to leave  
18 her house -- yes, I was crying to her because I  
19 didn't want to leave her house. And she told me I  
20 was going to have to pack my stuff and get out.  
21 That's it.

03:57:30 22 Q. Did you tell her you were going to Jasper  
23 to be with someone you loved, talking about Bill  
24 King?

25 A. I told her I was going to Jasper, yes, sir.

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03:57:37 1 Q. Did you tell her you were --

2 A. I didn't say anything about love.

03:57:41 3 Q. Did you tell her that or not?

4 A. I told her I was going -- heading to  
5 Jasper.

03:57:47 6 Q. Did you tell her that you were going to  
7 Jasper to be with someone you loved, talking about  
8 Bill King? Either you did or you didn't.

9 A. No, sir, I didn't use that statement.

03:57:54 10 Q. Okay. You say you didn't say that?

11 A. I told her I was going to Jasper to Bill  
12 King's.

03:58:00 13 Q. That's all you told her? Okay.

14 A. Yes, sir.

03:58:06 15 Q. And Bill King was your brother; is that  
16 correct?

17 A. Bro -- that's what they use in prison.  
18 Gang relations or whatever you call it.

03:58:15 19 Q. Okay. When you had your fight with your  
20 girlfriend, you didn't go to your family's house, did  
21 you?

22 A. She took my to my cousin's for about two  
23 hours -- I didn't go to my cousin. Usually I did go  
24 to my cousin's --

03:58:26 25 Q. Okay. You didn't go see your son; is that

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1 correct?

2 A. I didn't go see my son.

03:58:30 3 Q. Didn't go see your parents?

4 A. No.

03:58:34 5 Q. Okay. You didn't go see any of your  
6 childhood friends; is that correct?

7 A. Childhood friends? I been moved around. I  
8 don't know where any of my childhood friends are.

03:58:50 9 Q. Okay. You didn't go to see anybody but  
10 Bill King; is that correct?

11 A. Yes, sir.

03:58:57 12 Q. Okay.

13 A. That's right.

03:58:59 14 Q. Okay. Were you on parole at that time?

15 A. Oh, yes. Uh-huh.

03:59:20 16 Q. And you know it was a violation of your  
17 parole to be around people that had been in criminal  
18 trouble before; is that correct?

19 A. Yes, sir, I was well aware of that. But my  
20 intentions was going up there for two or three days  
21 or maybe a week at the most and then returning back  
22 after both me and my girlfriend both cooled off and  
23 just like before everything was back to normal after  
24 everything.

04:00:14 25 Q. I'm going to show you what's been entered

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1 into evidence State's 114.

2 A. Yes, sir.

04:00:20 3 Q. This is what you wrote in Bill's --

4 A. Yes, sir.

04:00:23 5 Q. Bill's book?

6 A. Yes, sir, that is what I wrote.

04:00:26 7 Q. Okay. Now, there was something that your  
8 counsel asked you about writing darker here on this  
9 that you say you didn't write; is that correct?

10 A. Writing lighter. That was in, like, a  
11 lighter handwriting than what the rest of this letter  
12 was.

04:00:46 13 Q. Okay. But this isn't light here, is it?

14 A. Don't look light right in that particular  
15 picture and doesn't look light right up in there, but  
16 on that original letter it is -- to my -- best I can  
17 see it is in lighter. That's what caught my  
18 attention on the letter. It doesn't -- that looks  
19 dark on this right here but on the original letter --

04:01:07 20 Q. Well, when you want to bring something out  
21 in your letters, do you make it darker?

22 A. No, sir.

04:01:14 23 Q. Well, didn't you say you made this -- wrote  
24 that swastika?

25 A. No, sir.

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04:01:19 1 Q. Okay. What about that? Did you write this  
2 up here in that letter, about the Aryans rule this  
3 here free world -- or this here world?

4 A. No.

04:01:27 5 Q. You didn't write that either?

6 A. I couldn't see myself writing to a Spanish  
7 guy nothing about no white pride or power or swastika  
8 or anything of that nature. Spanish or black guy.

04:01:39 9 Q. Okay. Now, did you write this here to Bill  
10 King?

11 A. Yes, sir.

04:01:44 12 Q. Okay. And isn't this right here -- "listen  
13 closely," isn't the "closely" written darker?

14 A. Looks like it was gone over two or three  
15 times, yes, sir.

04:01:56 16 Q. And you did that, didn't you?

17 A. That's my handwriting, yes, sir.

04:02:01 18 Q. You wanted to get Bill's attention here  
19 when you were telling him how you were going to  
20 school his young ass, didn't you, Mr. Brewer?

21 A. I wouldn't say that.

04:02:10 22 Q. What would you say, Mr. Brewer?

23 A. I would say I didn't know what to write in  
24 that photo album so I viewed everyone else's writing.  
25 And I wasn't going to write racial slurs and all that

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1 other stuff them other folks wrote. So that's the  
2 reason I wrote that.

04:02:31 3 Q. You didn't know what you wanted to write  
4 but the first three letters was, "listen closely  
5 bro"; is that correct?

6 A. That's correct.

04:03:06 7 Q. Now, you've stated before this jury that  
8 you didn't want to -- your brothers there at Beto I  
9 know you had a Hispanic child; is that correct?

10 A. Yes, sir, that's correct.

04:03:24 11 Q. Okay. The bottom line is the CKA meant  
12 more to you, Mr. Brewer, than your own child; isn't  
13 that correct?

14 A. Sir, I was in a position --

04:03:32 15 Q. Would you answer my question, please?

16 MR. WALKER: Judge, I believe --

04:03:36 17 Q. (BY MR. HARDY) -- then you can explain,  
18 but I would like an answer.

19 MR. WALKER: I believe he's trying to  
20 answer the question if Mr. Hardy would stop  
21 interrupting him.

22 MR. HARDY: Judge, if he keeps  
23 rambling along -- you know, I would like to get a  
24 straight answer.

25 THE COURT: The objection is

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1 overruled. Ask your question one more time.

2 And it needs to be answered directly.

3 THE DEFENDANT: Yes, sir.

04:03:55 4 Q. (BY MR. HARDY) Mr. Brewer, your brothers  
5 in the CKA meant more to you than your own child;  
6 isn't that correct.

7 A. At that time, yes, sir, they sure did.

04:04:05 8 Q. Okay.

9 A. Yes, sir.

04:04:07 10 Q. Okay. Now, you had a job as you stated to  
11 the jury; is that correct?

12 A. I had a job when? I've --

04:04:19 13 Q. After you got out of prison.

14 A. Oh, yes, sir. I went straight to work.

04:04:23 15 Q. Okay.

16 A. Maybe three or four different jobs.

04:04:26 17 Q. And you quit that job; is that correct?

18 A. That first one I had? Yes, sir.

04:04:40 19 Q. Because it was dirty work?

20 A. It was outside work, yes, sir. Constantly  
21 outside, yes, sir. But it wasn't a week after that  
22 that I got a job at a laminating place -- cabinet  
23 shop.

04:04:46 24 Q. Okay. You've also stated to the jury that  
25 you didn't like showing off your tattoos; is that

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1 correct?

2 A. Well --

04:04:54 3 Q. Did you state that?

4 A. I'm -- I don't recall that.

04:04:59 5 Q. Okay.

6 A. I went without my shirt a lot of times.

04:05:03 7 Q. You didn't mind somebody seeing your  
8 tattoos then; is that right?

9 A. I didn't mind no one seeing them?

04:05:08 10 Q. Yes, sir.

11 A. No, I didn't mind nobody seeing them.

04:05:13 12 Q. So if the jury remembers that you said it a  
13 little different when Mr. Walker was asking you a  
14 question, you're getting that straightened out for  
15 them right now; isn't that correct?

16 A. Well, the one Mr. Walker was referring to  
17 was, like, the racial one with the cross burning and  
18 the KKK -- that particular one. That's whenever I  
19 was -- I couldn't show that one off, you know, if --  
20 if I was wanting to show it off, I would have put it  
21 within eye sight, you know. I'm not going to do that  
22 whenever -- you know, whenever you're in prison and  
23 you got a black cellmate -- I didn't -- I was new to  
24 that type of environment, and I'm not going to put  
25 myself out there straight off the bat being there a

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1 month and getting that patch put on me where I don't  
2 know what's fixing to happen to me.

04:06:12 3 Q. We're not talking about in prison, sir.  
4 We're talking about when you got out of prison.

5 A. When I got out of prison? Was I ashamed or  
6 what?

04:06:18 7 Q. I didn't ask if you were ashamed. You've  
8 already stated you ran around with your shirt off  
9 quite a bit, didn't you?

10 A. I did, yes.

04:06:24 11 Q. So you weren't ashamed of them, were you?

12 A. No.

04:06:27 13 Q. Okay. So you're getting that straightened  
14 up for the jury if they had any mix-up on the  
15 question Mr. Walker asked you; isn't that right?

16 A. What was the question he asked me?

04:06:35 17 Q. Well, you just said he asked you whether or  
18 not you wanted to hide your tattoos, whether or not  
19 you were proud of your tattoos; and you told him you  
20 weren't; isn't that right?

21 A. I don't know if I said I wasn't proud of my  
22 tattoos. Some of them -- most of them I am proud of;  
23 otherwise, I wouldn't have put them on me.

04:07:12 24 Q. Now, had you ever met Johnny Rashid before  
25 you went to -- before you went to Jasper, Texas?

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1 A. No.

04:07:20 2 Q. He has no reason to tell any falsehoods to  
3 this jury, does he?

4 A. No, not that I can see.

04:07:27 5 Q. Okay. What about the officer from Sulphur  
6 Springs? Did you know him?

7 A. Said he pulled me over that one time for  
8 speeding.

04:07:36 9 Q. Did you know him?

10 A. No, I didn't know him.

04:07:39 11 Q. Okay. He don't have any reason to lie  
12 about you, does he?

13 A. Not that I can imagine, no.

04:07:47 14 Q. Okay. Does rolling a tire mean assaulting  
15 a black man, in prison language?

16 A. I never heard that -- a black person even  
17 referred to as a tire until this -- whenever my  
18 attorneys asked me, "Are you sure that 'tire' don't  
19 mean a black person?" I told them I hadn't never  
20 heard of that term before, referring to a tire as a  
21 black person, no.

04:08:22 22 Q. Okay. And people in white supremest gangs  
23 are referred to as "woods"; is that correct?

24 A. Don't necessarily have to be in a gang; but  
25 if you stand up for what's yours and don't let people

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1 run over you as far as take your commissary or tell  
2 you get up out of that seat and let me sit down  
3 there -- and, you know, if you more or less stand  
4 your ground then you're considered a wood. You know,  
5 mind your own business, if you're not off into, you  
6 know, what they're doing. "I'm fixing to tell on  
7 you" you're considered --

04:08:55 8 Q. Okay.

9 A. In prison you're considered --

04:08:55 10 Q. And a female girlfriend of a wood is  
11 considered featherwood; is that correct?

12 A. I would assume that that's what they tell  
13 me that whites -- males are your woods and your white  
14 females are your featherwoods, but I couldn't --

04:09:12 15 Q. Well, you've referred to your girlfriend as  
16 a featherwood, haven't you, sir?

17 A. Like a figure of speech, but I wouldn't  
18 know how a white female -- what she would have to do  
19 to be considered a featherwood.

04:09:24 20 Q. Okay. Let me ask you this: You've never  
21 referred to any of the girls you've been with as  
22 tires, have you?

23 A. As tires?

04:09:31 24 Q. Yeah.

25 A. I don't remember, no.

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04:09:33 1

Q. Never did that?

2

A. No.

04:09:36 3

Q. Okay. Now, you've seen these tennis shoes with the "LB" in them?

4

5

A. Yes, sir.

04:09:54 6

Q. Those are your shoes; is that correct?

7

A. Them white Nikes?

04:09:59 8

Q. Yes, sir.

9

A. Yes, sir.

04:10:02 10

Q. Okay. And those are the shoes you had on the night this happened with James Byrd; isn't that correct?

11

12

13

A. Yes, sir.

04:10:06 14

Q. Okay. And you lied to the FBI about that, didn't you?

15

16

A. I lied to the FBI about what? About them shoes?

17

04:10:15 18

Q. Yes, sir.

19

20

21

22

23

24

25

A. No, I never -- to my knowledge I never denied them shoes being mine; and I have never denied, to my knowledge, that I didn't have them shoes on. I -- only thing that I lied about to the FBI and all these other people before now is saying that I kicked that -- something in the ditch when one of them beer bottles broke when we was going to them

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1 girls' houses.

04:10:48 2 Q. Okay. You lied about that. You also said  
3 you were never on that logging road, until today,  
4 didn't you?

5 A. Yes, sir.

04:10:49 6 Q. Okay. And you also said to the FBI that  
7 you were wearing sandals that night and not those  
8 tennis shoes; isn't that correct?

9 A. I don't remember that, now. I may have,  
10 but that doesn't seem right.

04:11:02 11 Q. Okay. Well, do you know any reason that  
12 you were trying to give this jury the impression  
13 those shoes might have belonged to Louis Berry?

14 MR. WALKER: Your Honor, I'm going to  
15 object. I think that's outside the record. There's  
16 been no testimony from this witness that those shoes  
17 did not belong to him. In fact, I didn't even talk  
18 to him about those shoes in direct examination.

19 THE COURT: You want to rephrase your  
20 question?

21 MR. HARDY: Yes, sir.

04:11:30 22 Q. You have never wanted this jury to believe  
23 that those shoes belonged to Louis Berry; is that  
24 correct?

25 A. No. Louis Berry was nowhere in sight on

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1 there on that logging road. Only four people -- me,  
2 Bill King, Shawn Berry, and James Byrd. That was the  
3 only ones out there that night.

04:11:51 4 Q. Now, in one of the kites that you wrote to  
5 Bill King you made the statement that, "What are they  
6 going to do? Take some fingerprints off a rusty ass  
7 logging chain"?

8 A. Yes, sir, I did.

04:12:02 9 Q. You made that statement?

10 A. Yes, sir.

04:12:04 11 Q. Okay. And that's the only thing you was  
12 worried about them getting fingerprints on, wasn't  
13 it?

14 A. I would -- yeah. Yes, sir.

04:12:17 15 Q. Okay. Well, you smoked out there at the  
16 scene where this happened, didn't you, sir?

17 A. Yes, sir.

04:12:25 18 Q. Okay. And you threw a cigarette -- some  
19 cigarettes?

20 A. Several of the times. I mean, I was  
21 constantly smoking, yes, sir.

04:12:35 22 Q. And that was at the scene where this  
23 happened with Mr. Byrd?

24 A. That was everywhere. Even going out there.

04:12:40 25 Q. Okay. And it didn't mean enough to you to

1 worry about those cigarette butts, did it?

2 A. No. Cigarette butt, just throw it out.

04:12:53 3 Q. And you drank out there, too, didn't you,  
4 sir?

5 A. Yes, sir. We was drinking before we even  
6 went out there.

04:13:01 7 Q. And you were drinking out there, too,  
8 weren't you?

9 A. I would say whenever -- on the way out  
10 there. I don't believe that I drank from -- once the  
11 fight happened I did not drink, no.

04:13:15 12 Q. Okay. Before it happened, what -- did you  
13 just throw a beer bottle out there? I mean, you're  
14 not telling the jury the beer bottle with your DNA on  
15 it was not yours, are you?

16 A. No. I was drinking. Just on the way out  
17 there.

04:13:31 18 Q. And you didn't say anything about  
19 fingerprints on a beer bottle to Mr. King in that  
20 letter, did you?

21 A. No.

04:13:40 22 Q. Sir, why were you so worried about  
23 fingerprints on a logging chain if you didn't even  
24 touch that logging chain like you told this jury when  
25 you were being asked questions by Mr. Walker?

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1           A.     I didn't -- I went outside the lake of  
2     Jasper and got out there with --

04:13:56 3           Q.     I want you to answer the question about the  
4     logging chain. I don't want to hear anything about  
5     anybody in Jasper.

6                     MR. WALKER: Your Honor, once again,  
7     I'm going to object to Mr. Hardy not allowing this  
8     witness to answer the question.

9                     THE COURT: The objection is  
10    overruled.

11           A.     Yes, sir, I did touch the logging chain the  
12    next morning as soon as it got daylight. I went out  
13    to that truck looking for cigarettes because I had  
14    smoked all them all the way up to daylight because I  
15    was trying to calm my nerves down. And I went  
16    through the cab of that truck and I went through the  
17    back of that truck, lifted the tire up around the  
18    cooler and everything else in the back of that truck.  
19    The tools was all scattered out on the floor and I  
20    set them all nice and neat on the passenger side of  
21    the seat, took out a flashlight and everything.

04:14:38 22           Q.     And you just made that story up, didn't  
23    you, Mr. Brewer, because you didn't say that the  
24    first time, did you, sir?

25           A.     I don't believe I got to that part the

1 first time.

04:14:46 2 Q. Well, you had all the chance in the world.  
3 Your attorney was asking you the questions.

4 A. I guess I didn't have time to tell him.

04:15:30 5 Q. Sir, where you had the fight -- is that a  
6 fair depiction of where that fight took place, which  
7 is State's Exhibit No. 5?

8 A. To me personally I can't -- all that looks  
9 like it's a blur and the small pictures on the side I  
10 can make out what they are but I can't tell where the  
11 trail is or nothing. I know that we went all the way  
12 down and then turned the truck around and stopped and  
13 that's where the fight took place right there. Then  
14 we went up some more and Shawn got out and was  
15 kicking Mr. Byrd. And I took --

04:16:09 16 Q. Okay. Hang on just a second, sir. If  
17 cigarette butts smoked by you was found in this  
18 vicinity, you wouldn't argue with that, would you?

19 A. No.

04:16:23 20 Q. And if one smoked by Bill King and Berry  
21 was found in this vicinity, you wouldn't argue about  
22 that either, would you?

23 A. Cigarette probably all up and down that  
24 road. No, I'm not going to argue with that.

04:16:36 25 Q. And you wouldn't deny the fact that there

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1 was a blood clump right there, would you?

2 A. No, I'm not going to argue with that.

04:16:45 3 Q. Okay. And you wouldn't deny the fact that  
4 right there is where the dragging started either,  
5 would you?

6 A. Right where?

04:16:51 7 Q. Right here at the edge of this fight scene.

8 A. No, sir. That's where the fight took place  
9 down there where your thumb is?

04:17:02 10 Q. No, sir. The fight took place up here.  
11 This is where the dragging started; isn't that  
12 correct?

13 A. No, sir. The dragging started at where the  
14 fight was taking place.

04:17:08 15 Q. Then how do you explain, sir, that there  
16 was three cigarette butts in almost the same  
17 vicinity -- one that would go to each of y'all -- and  
18 there was a blood clump there and then the  
19 dragging -- the drag marks started from there?

20 A. I don't know, sir. I'm just --

04:17:27 21 Q. Would it be because you're lying to this  
22 jury again?

23 A. I'm not lying, sir. I told you exactly  
24 what happened that night, and that's exactly what  
25 happened.

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04:17:38 1 Q. Is Shawn Berry right handed or left handed?  
2 A. I really couldn't tell you that either. I  
3 know he had a cast on one of his hands at one time  
4 but --  
04:17:50 5 Q. Which hand did he have a cast on?  
6 A. I don't know the answer to that.  
04:17:53 7 Q. Did he have a cast on that night?  
8 A. No, he did not have a cast on that night.  
04:17:58 9 Q. Well, then that cast doesn't have anything  
10 to do with this, does it?  
11 A. No.  
04:18:00 12 Q. Okay.  
13 A. But I would assume that the hand that was  
14 broke was the hand that he writes with.  
04:18:05 15 Q. Okay. Which hand did he have the knife in  
16 that night?  
17 A. I would say his right hand.  
04:18:14 18 Q. Okay. And how did he cut Mr. Byrd's  
19 throat, sir?  
20 A. Whenever Mr. Byrd was holding his hands up  
21 like this right here, Berry come in between his hands  
22 and made a sweeping motion. (Indicating) And the  
23 reason I know why -- I'm pretty much sure that he had  
24 the knife because I heard the clicking -- the popping  
25 sound when he popped it open. And when Mr. Byrd had

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1 his hands like this right here, he stuck his hand in  
2 there and made the sweeping motion. (Indicating)  
3 Right then is where Mr. Byrd slid town the truck --  
4 on the side of the truck slid down by the back tire.

04:18:49 5 Q. So you're saying he came across here?  
6 (Indicating)

7 A. I'm saying he come across the center of his  
8 throat whenever Mr. Byrd had his hands like this  
9 right here and stuck the knife in there and went  
10 across his throat. (Indicating)

04:19:00 11 Q. Mr. Byrd had his hands like this, and he  
12 came in between his hands with the knife?  
13 (Indicating)

14 A. Come in between his hands. That's exactly  
15 the way I seen it. And I was about from here to  
16 these folks here in this jury box.

04:19:13 17 Q. Okay. Then how did you get blood on your  
18 shoes, sir?

19 A. That is a very good question. If I knew  
20 there was blood on my shoes, I sure wouldn't have  
21 left them for -- you know, I would have tried to get  
22 rid of the blood.

04:19:30 23 Q. Just like you told Jesus Moran, huh, sir?  
24 Just like you told him -- if you would have known all  
25 this evidence was going to be left -- if you had it

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1 to do over again, you sure would have done it  
2 different, wouldn't you? That's exactly what you  
3 told Mr. Moran, isn't it, sir?

4 A. I don't remember telling Moran nothing  
5 pertaining to the crime scene that I was sent to TDC  
6 for.

04:19:52

7 Q. Well, Mr -- do what?

8 A. I didn't tell Mr. Moran nothing pertaining  
9 to this crime scene right here that I'm sitting in  
10 this chair for today -- through the vents or nothing.  
11 And even in that letter I told him that I cannot say  
12 something pertaining to this case.

04:20:11

13 Q. Thought you said you never even talked to  
14 Mr. Moran.

15 A. I talked to Mr. Moran, but I did not say  
16 nothing pertaining to this case.

04:20:20

17 Q. So you talked to him through those vents;  
18 is that right?

19 A. I wouldn't say through the vents. Probably  
20 through the bars -- standing at the bars. And I'm  
21 not even for sure if it was Mr. Moran because he was  
22 showering at the other shower and my -- I showered at  
23 the shower next to my cell. Now, he might have come  
24 past my cell and showered in the shower next to my  
25 cell; but we never spoke then, you know. There's,

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1 like I said, Spanish people all the way down on the  
2 cell blocks. I don't know who I'm talking to, you  
3 know. I'm talking to a voice that's talking back to  
4 me, you know.

04:21:00 5 Q. So what you're saying is you didn't know  
6 Mr. Moran was Spanish, did you, sir?

7 A. I could tell by his voice, yeah.

04:21:08 8 Q. Okay. You could hear him well enough to  
9 know what his voice was saying; is that correct?

10 A. Yeah, I guess you could say that.

04:21:17 11 Q. So all this stuff Mr. Pelz said about it  
12 being impossible for you to talk to Mr. Moran and you  
13 were sitting over there with your attorneys -- that's  
14 a bunch of hogwash, isn't it?

15 A. Well, it's impossible to talk through the  
16 vents that far. If you're standing at the bars when  
17 everyone is quiet -- like maybe after 10:00 or 11:00  
18 o'clock after they stop coming in and showering  
19 everyone and feeding everything and movement stops  
20 and everything is quieter, then you can talk through  
21 the bars, you know. I couldn't holler way down there  
22 at King in 13 or 14 cell -- you couldn't hear that  
23 far.

04:22:01 24 Q. Now, this picture I just showed you and the  
25 jury and you said you didn't look like that in

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1 prison -- but that's how you looked in Jasper; is  
2 that correct? Is that how you looked in Jasper?

3 A. Yes, sir.

04:22:14 4 Q. Okay. And there's been some pictures of  
5 Mr. Berry. Have you seen those pictures?

6 A. Yes, sir.

04:22:22 7 Q. Okay. That's how Mr. Berry looked; is that  
8 correct?

9 A. On them pictures you were showing up here  
10 the other day on the chart?

04:22:32 11 Q. Yes, sir.

12 A. That the way he looked, yes, sir, whenever  
13 I was up there in Jasper.

04:22:42 14 Q. Okay. Now, you're not saying that Mr. Byrd  
15 was dead at the scene, are you, sir?

16 A. Was dead at the scene?

04:22:53 17 Q. Yes, sir. Was dead at that picture I just  
18 showed you. Right here. (Indicating)

19 A. I'm not saying he was dead. I'm saying  
20 that he appeared to me to be -- he slid down the  
21 truck and didn't make no more movements. Yeah, he  
22 appeared to be unconscious or whatever you call that  
23 whenever you don't make no movements.

04:23:14 24 Q. Okay. Now, you're not saying you couldn't  
25 have stopped Mr. Berry, are you?

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1           A.     With a knife? No, I wasn't -- there's no  
2 way I would approach him -- anybody with no knife,  
3 you know.

04:23:31 4           Q.     Well, how many times did he cut Mr. King?  
5 Just once?

6           A.     Mr. King?

04:23:36 7           Q.     I'm sorry. Mr. Byrd.

8           A.     He just made one sweeping motion; and as  
9 soon as he made that sweeping motion, he slid down  
10 the truck. And I walked to the front of the truck.  
11 I couldn't even look no more, and I went and sit down  
12 in the truck.

04:23:51 13          Q.     Okay. You've seen this logging chain. You  
14 didn't work with this logging chain, had you? So  
15 you're telling this jury that little skinny Shawn  
16 Berry was holding his knife and wrapping up all by  
17 himself Mr. Byrd's legs with that logging chain to be  
18 drug?

19          A.     I don't know.

04:24:08 20          Q.     You're not telling them that, are you?

21          A.     No, sir.

04:24:11 22          Q.     Okay. So you're trying to tell this jury  
23 that the hook and bull of Beto I, of the Confederate  
24 Knights of America, the EC -- which is what you were?

25          A.     No, sir.

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04:24:24 1

Q. -- who stood up against the wall for two days and didn't get cliqued on by anybody; and the only two that came up, you backed down -- you're telling these people that little, skinny Shawn Berry while he's wrapping a chain around someone's feet to pull you couldn't have stopped him?

2  
3  
4  
5  
6  
7 A. No, sir. I was, like, in a state of shock; and I went directly and sit down inside the truck.

8  
9 And to tell you the truth, I didn't even see him chain -- put the chain on Mr. Byrd at that point. I heard the chain coming -- rattling out of the back of the truck, and I didn't know what he was doing.

04:25:03 14

15 Q. You heard me pull that chain out of that box, didn't you?

16 A. Yes, sir. And I don't believe --

04:25:07 17

18 Q. Okay. And you couldn't hear him pulling it out of the back of that truck?

19 A. I just told you I heard it rattling out of the back of that truck.

04:25:14 21

22 Q. Well, then why didn't you go stop him?

23 A. I didn't know.

04:25:16 23

24 Q. If your story is the truth.

25 A. Yes, sir. It's the truth. And I didn't know what he was -- why he was taking the chain out.

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1 All I know is I was in a state of shock after seeing  
2 someone's -- getting -- throat getting cut.

04:25:32 3 Q. Well, you wasn't in a state of shock when  
4 there was three Hispanics just about to beat a white  
5 boy to death in the penitentiary, were you?

6 A. No, sir. There's a lot of difference  
7 believe me. Once you're in that position, you will  
8 know.

04:25:41 9 Q. There's a lot of difference when it's 15 to  
10 8 and if you step in the middle as bad as Beto I is,  
11 as everybody has tried to make this jury feel like,  
12 there's a lot of difference in that and some little  
13 skinny guy that's never been to the penitentiary --

14 A. Yes, sir.

04:25:55 15 Q. -- who's trying to wrap a chain by himself  
16 around a man's legs?

17 A. Yes, sir.

04:26:00 18 Q. There's a big difference?

19 A. Yes, sir.

04:26:02 20 Q. That's your story?

21 A. Yes, sir.

04:26:03 22 Q. That's your big Aryan warrior story?

23 A. Yes, sir.

04:26:08 24 Q. That's not true, though, is it, Mr. Brewer?

25 A. Yes, sir, it's true.

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04:26:11

1

Q. The truth is all your letters have placed you as a big hero in your eyes; isn't that right?

2

3

A. Sir, the reason I was writing them letters to King was more or less -- I wasn't going to say that I'm fixing to tell the truth to King and having to go to prison and having to face the fact I turned --

4

5

6

7

04:26:33

8

Q. Sir, the truth is you saw you and Bill King as two soaring eagles, didn't you? And that's what you wrote?

9

10

11

A. I guess you could say that. I wrote that.

04:26:45

12

Q. That's what you wrote, isn't it?

13

A. To him, yes, sir.

04:26:47

14

Q. I mean, if you could read English, that's what you'd say, isn't it?

15

16.

A. Yes, sir. I wrote that to him.

17

MR. GRAY: Can we have just a minute, Your Honor?

18

04:27:30

19

Q. (BY MR. HARDY) Well, let me ask you this: Were you in shock when you sprayed Mr. Byrd in the face with the paint?

20

21

22

A. No, not really because I had just hurt my toe; and I would say the reason I sprayed him in his face was because my toe was, like, a reflex -- I hurt my toe and just -- I wasn't even thinking, to tell

23

24

25

1 you the truth. I just did that because my toe was  
2 hurting, and I sprayed him in his face.

04:27:57 3 Q. Well, you -- and you kicked him in the  
4 side; is that right?

5 A. I tried to kick him in the side, yes, sir.  
6 That's how I hurt my toe, yes, sir.

04:28:03 7 Q. And you just can't figure out how you got  
8 the blood up on your shoe laces by kicking him in the  
9 side, can you, sir?

10 A. No, sir. I can't explain the blood.

04:28:13 11 Q. Well, the reason is because you were  
12 kicking him in the head, isn't it?

13 A. No, sir. I never even touched nowhere  
14 close to his head.

04:28:20 15 Q. Be kind of hard to break your toe kicking  
16 somebody in the side; isn't that true?

17 A. I'm not even for sure if I hit him or the  
18 truck, sir. All I know is that I was -- my  
19 intentions was to kick him to break up the fight.  
20 And when I made that one kick, then I went down and  
21 was holding my toe. I reached back up and sprayed  
22 the man in the face with the paint, and that's --  
23 that's it. I don't know how the blood got on my  
24 shoes. No, I don't.

04:28:51 25 Q. It got on the shoe because you were kicking

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1 him in the face; isn't that true? Why don't you tell  
2 this jury the truth, sir?

3 A. I tried to kick him in his side. I did not  
4 kick nowhere in his face, nowhere else on his body.

04:29:04

5 Q. When in your mind did you change from being  
6 the hero of the day, the one that was better than  
7 Redarm, better than warhead? When did you change  
8 from that to just being there and worried about this  
9 and worried -- you expect them to believe you went  
10 through Beto I -- this big, bad unit -- and you  
11 couldn't handle little, bitty Shawn Berry?

12 A. That's right, sir.

13 MR. HARDY: Pass the witness, Judge.

14 MR. WALKER: We don't have any more  
15 questions, Judge.

16 MR. STEVENS: Wait a second.

17 THE COURT: You may step down.

18 MR. FEATHERSTON: Just a second, Your  
19 Honor.

20 THE COURT: You may step down.

21 MR. STEVENS: Your Honor, there's some  
22 further questions we need to ask this witness if I  
23 may, please, sir.

24 THE COURT: All right.

25 MR. STEVENS: I'll be brief, sir.

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RECROSS EXAMINATION

BY MR. STEVENS:

Q. Mr. Brewer --

MR. BARLOW: Your Honor, I think just for the record -- I think we have to object to that, to allow two counsel to question the witness especially after the State has already said they have no further questions.

THE COURT: I'm going to overrule the objection.

Q. (BY MR. STEVENS) Mr. Brewer, this Government's Exhibit 115 -- this Brewer's blood oath.

A. I can hardly see it. I know what you're talking about.

Q. You know which one I'm talking about, "...the enemies of my race and my nation no matter how high and powerful. I, Lawrence R. Brewer pledge swift and merciless justice when the fullness of day of reckoning shall arrive." And it's a sworn oath you signed there?

A. Yes, sir.

Q. Now, if somebody was going to take that seriously, that could certainly evidence intent to commit an act such as this, wouldn't it? Wouldn't it? Those are threatening words.

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1 A. Threatening words? I don't see --

2 Q. I, Lawrence Brewer pledge swift and  
3 merciless justice to the enemies of my race. And  
4 Mr. Byrd in this oath is an enemy of your race, isn't  
5 he? Isn't he?

6 A. Not -- unless he had done something to me  
7 personally he's not no enemy to me, no. I wouldn't  
8 say that.

04:31:18 9 Q. Somebody would take that seriously,  
10 though -- that would show intent to commit this  
11 crime, though, wouldn't it? Those are strong words  
12 against a black man, isn't it?

13 A. You can take it however you want to. I  
14 know then whenever I signed that paper it was just,  
15 like, everyone was asked to sign it. Nothing was  
16 meant personally in my heart by it.

04:31:41 17 Q. This letter, Government's Exhibit 2HH where  
18 it's written to Jesus Moran -- would you agree  
19 that -- and I believe your testimony is this portion  
20 where it says, "DEATH TO ALL NIGGERS HA! WHITE  
21 POWER!!!!!" with the swastika -- you did not write  
22 that? Is that what you're saying to the jury?

23 A. I can't see myself doing that for the  
24 simple fact that I have never wrote or seen a  
25 swastika backwards.

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04:32:10 1 Q. Okay. Would you admit --

2 A. All the white people that I know that  
3 seen -- knows anything about them wouldn't have  
4 written nothing like that.

04:32:16 5 Q. Would you admit it's your practice to write  
6 all over a paper when you write?

7 A. Yes, sir. Take up all the paper space.

04:32:25 8 Q. Every part of this is written including  
9 this portion that we're talking about?

10 A. Every part on the paper is written?

04:32:32 11 Q. Yes, sir.

12 A. Yes, sir. That fills in a place on the  
13 paper.

04:32:36 14 Q. You've read and reviewed this letter  
15 several times, I'm sure, haven't you?

16 A. Not until it was brought out the other day.

04:32:43 17 Q. Okay. You had a chance to review it then?

18 A. Yes, sir. That caught my eye right there.  
19 All -- go ahead.

20 I was going to say all that other  
21 stuff is -- all that writing on there except that  
22 thing on the bottom down there -- that looks like  
23 some kind of design or something. I don't believe I  
24 wrote that on there either and I don't believe I  
25 wrote that and I don't believe I wrote that on the

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1 top either.

04:33:09 2 Q. Do you admit many of the words -- the  
3 letters and the words --

4 A. Some of these letters do look like my  
5 handwriting.

04:33:15 6 Q. Not just look like it but look exactly like  
7 it, wouldn't you agree?

8 A. Yes, sir. Close enough to where I would  
9 say that someone traced my handwriting and put that  
10 particular --

04:33:27 11 Q. Somebody would have had to do a dramatic  
12 tracing job?

13 A. Yes, but it's not impossible. Believe me.

04:33:34 14 Q. Would you agree that if this were true --  
15 if this statement were carried out truthfully, then  
16 that would certainly show intent to commit this crime  
17 against Mr. Byrd, wouldn't it?

18 A. Well, it would --

04:33:45 19 Q. Certainly would look like an intent to  
20 commit a crime against Mr. Byrd, wouldn't it?

21 A. I don't know about Mr. Byrd but a pretty  
22 strong statement used in a letter sent to someone  
23 that I can't -- you know --

04:33:58 24 Q. And the letter that we've talked about,  
25 Government's Exhibit 2AA, about rolling the tire

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1        anyway "...ASK HIM IF HE REMEMBERS WHEN WE WERE  
2        DISCUSSING MATTERS ON THE TIRE HE WANTED TO ROLL THE  
3        HILL & WHAT I WANTED TO DO -- HA." Well, certainly  
4        if somebody looked at that and saw you writing about  
5        rolling a tire -- that certainly could imply an  
6        intent to enjoy committing a crime like that. The  
7        word "ha" is in there; right?

8            A.    I don't believe that I wrote that I was  
9        going to roll a tire or I was intending to roll a  
10       tire.

04:34:39 11            Q.    Yeah. The part about rolling the tire.

12            A.    The other guy was wanting to do when we got  
13        out?

04:34:47 14            Q.    Yes.

15            A.    That's what he was wanting to do.

04:34:51 16            Q.    Yes. If some --

17            A.    I wasn't trying to make anyone think that  
18        that was code or anything. If that was in code, I  
19        would have said the tire inside the tire, but I had  
20        never even heard tire being expressed for a black  
21        person being associated with a tire until it got read  
22        in court.

04:35:14 23            Q.    But you do write about rolling a tire in  
24        that --

25            A.    In that particular letter, yes, sir.

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04:35:16

1

Q. And that concerns a black man being killed and put in a tire, isn't it?

2

3

A. No. That's what that Redarm guy -- that's what he wanted to do when he got out, was put a black guy inside a tractor trailer and roll him down the hill with a VCR camera filming it.

4

5

6

04:35:32

7

Q. So you felt the need to repeat that in a letter?

8

9

A. So even though that I was referring to what I wanted to do as far as doing that sex stuff, yes, sir.

10

11

04:35:46

12

Q. Sir, just want to ask a couple of questions. You had mentioned something about working at Lowe's.

13

14

15

A. Yes, sir.

04:35:53

16

Q. And you said you had been fired -- I'm sorry. You said you quit working at Lowe's.

17

18

19

20

21

22

23

24

25

A. I was working at Lowe's through a temporary service; and Lowe's had called the temporary service and said that since my past records showed that I had criminal arrests, then I couldn't be working at those big warehouse. So the temporary service said that I couldn't work out at Lowe's no more. So they just put me on the job list, I guess, for other jobs. I guess they run a criminal background.

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04:36:32 1 Q. The fact of the matter is your application  
2 for employment, right here -- do you --

3 A. Where was that to?

04:36:41 4 Q. To Lowe's. Do you notice that?

5 A. Yeah, I filled out an application because  
6 if you work, like, 90 days through this temporary  
7 service at Lowe's they give you an opportunity to  
8 work there. As a matter of fact, how I got this  
9 application -- the supervisor is the one that handed  
10 me this and told me to fill it out because the work  
11 that I was doing there was good they was going to  
12 hire me on in 90 days.

04:37:12 13 Q. Okay.

14 MR. STEVENS: The next number?

15 THE COURT REPORTER: 118.

04:37:12 16 Q. (BY MR. STEVENS) Call this 118. This  
17 appears to be a copy of your --

18 A. Can I read that again?

04:37:15 19 Q. Sure. Does that appear to be a copy of  
20 your job application to Lowe's -- I'm sorry. I think  
21 it's the application to the temporary agency.

22 A. Instaff Personnel -- that is the name of  
23 the application.

04:37:39 24 Q. Is that an application you filled out for  
25 them?

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1 A. Does it look like it?

04:38:09 2 Q. Those two pages right there in your left  
3 hand -- do those look like portions of your  
4 application?

5 A. Yes, sir. That's my handwriting.

04:38:15 6 Q. There's not a doubt about it?

7 A. I was just -- I was looking at these dates  
8 when is -- that's the date that they sent you this,  
9 July 30th?

04:38:25 10 Q. Okay.

11 A. Yes, sir. Seems to be right.

04:38:27 12 Q. Is that -- we'll, we'll call this 118. If  
13 you'll just refer to this. I'm not going to admit,  
14 but I'll just ask you if that's okay -- in this  
15 application it asks, "Have you ever been convicted of  
16 a felony?" Right there. And I notice "no" is  
17 circled.

18 A. Yes, sir. I -- I put "no" on it.

04:39:01 19 Q. Got caught in a false statement there,  
20 didn't you?

21 A. I got caught, yes, sir. That's --

04:39:05 22 Q. That's why you got fired, wasn't it?

23 A. From where?

04:39:09 24 Q. From --

25 A. That's where I got fired? No. See, that's

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1 the Instaff Personnel application. They sent me out  
2 on a jobsite at Lowe's Warehouse; and Lowe's is the  
3 one, I guess, run a check on me and said -- called  
4 them and told them that I cannot work out there at  
5 that company.

04:39:26 6 Q. But is this a false statement that you put  
7 on the application?

8 A. It is a false statement that I put on that  
9 application. I didn't get fired from the temporary  
10 service. I got fired from working out at Lowe's that  
11 that temporary service sent me to -- in other words,  
12 they would have send me out on another jobsite.

04:39:42 13 Q. This is not true and you put that down?

14 A. Yes, sir, that -- I put "no" on there as --  
15 that's my, handwriting.

04:39:54 16 Q. Would you say Beto I -- you consider it a  
17 tough place and a very mean place?

18 A. I would say it was a whole lot tougher and  
19 meaner than the Hilltop Unit, you know; and I have  
20 never -- on TV -- I guess, about the same as the way  
21 TV puts it as far as the door slamming --

22 THE COURT: This is getting  
23 repetitious. We've covered that.

04:40:16 24 Q. (BY MR. STEVENS) When you came to Jasper  
25 in your testimony -- in direct testimony is it fair

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1 to state that you admitted that you burglarized --  
2 you assisted in burglarizing Patrick's Steak House of  
3 the meat?

4 A. That steak house I'm not for sure. I know  
5 we --

04:40:34 6 Q. You burglarized a steak house?

7 A. Yes.

04:40:37 8 Q. And I think y'all --did you burglarize a  
9 motel room?

10 A. It wasn't a motel room. It was, like -- I  
11 guess it's the lobby part of the motel. I know we,  
12 like, jumped over a rail and went -- it was at a  
13 motel because I know the rooms and all that; but it  
14 was, I guess, the main lobby -- it wasn't the main  
15 lobby. It was the lobby next to the pool. It was,  
16 like, a small room is what I'm trying to say -- like  
17 a concession stand room.

04:41:01 18 Q. But you had to break into it; right?

19 A. We opened the door and went in. Yes,  
20 that's breaking and entering; but there was no glass  
21 broken. Just found a way in.

04:41:13 22 Q. And you also admit to stealing some  
23 equipment, I think, when you went to Wildwood?

24 A. The chain saw and the weed eater, yes.

25 MR. STEVENS: One other thing, Your

1 Honor.

04:41:44 2 Q. Show you what's been marked as Government's  
3 Exhibit 119. If you will, look at that. Please tell  
4 us is that your handwriting? Is that a letter to  
5 your wife Sylvia Brewer? Does it look like your  
6 handwriting, sir?

7 A. Yes, that looks like my handwriting.

04:42:11 8 Q. Is it signed on the back "Russell Brewer"?

9 A. On the -- there's the back page right  
10 there?

04:42:20 11 Q. Yes, sir.

12 A. That's right. Russell Brewer.

04:42:22 13 Q. Is that your handwriting, sir, on those  
14 pages?

15 A. Yes, sir.

04:42:26 16 Q. Do you remember writing that letter?

17 A. Well, I would have to read it; but that's  
18 my handwriting. I'm not -- can't deny that it's my  
19 handwriting.

04:42:35 20 Q. Would you have written that letter before  
21 June 7th, 1998, to Sylvia?

22 A. Yes, sir.

04:42:44 23 Q. No doubt in your mind?

24 A. I imagine because I haven't wrote her in --

04:42:49 25 Q. A long time?

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1 A. Since -- yes, sir.

2 MR. STEVENS: Your Honor, we're going  
3 to move into evidence Government's Exhibit 119,  
4 please.

5 MR. BARLOW: No objection, Your Honor.

6 THE COURT: It's admitted.

04:43:03 7 Q. (BY MR. STEVENS) This letter was written  
8 before?

9 A. Does it have a date on there? I'm sorry.  
10 I should have looked at it.

11 Says Sunday 17 '93? It says Sunday,  
12 17 '93. I suppose that's -- it's not giving a month.  
13 Sunday 17 -- of '93 -- yes, sir, wrote in '93 is what  
14 that says according to this.

04:43:43 15 Q. There's no doubt it was written before  
16 June 7th, 1998? It was written before the death of  
17 Mr. Byrd?

18 A. Oh, yes, sir.

04:44:07 19 Q. Read a portion of the bottom of Page 2  
20 beginning here, "Please understand how hurt I am. I  
21 feel as tho Ive been drug 120 miles chained by feet  
22 to the bumper of corvette doing 90 miles an hour."  
23 And further more -- later on, "I'm already going to  
24 send one individual to where he should have been  
25 years ago. To hell. Please dont make me send

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1 another." That's what you wrote to your wife --

2 A. Yes, sir.

04:45:02 3 Q. -- before the death of Mr. Byrd? And  
4 wouldn't you call that a most unusual coincidence  
5 that Mr. Byrd happened to die in the manner that you  
6 wrote in this letter to Sylvia Brewer?

7 A. Yes, sir, that is a very unusual, whatever  
8 you say, coincidence or whatever. That is unusual,  
9 yes.

04:45:28 10 Q. One could even read this as being the  
11 intent to put Mr. Byrd and chain him up was yours,  
12 sir -- you originated that thought. It is shown in a  
13 letter to your wife years ago. That's what one could  
14 read from this, couldn't -- from your own words,  
15 couldn't they, sir?

16 A. Depends on who's reading it and what you're  
17 wanting to interpret because from what I just read it  
18 said that I felt as though -- that's feel as though I  
19 was chained. Doesn't -- I didn't say that I was  
20 wanting to do anybody that way or any -- to me I -- I  
21 take it that that's just a figure of speech at that  
22 time that I made in my letter.

04:46:10 23 Q. Mr. Byrd was killed chained by his feet to  
24 a vehicle just like you wrote in here, wasn't he?

25 A. Six, seven years -- eight years after that

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1 letter was wrote, yes, sir.

04:46:22 2 Q. Yes, sir. Before that happened your  
3 thoughts were, on this paper, about the way Mr. Byrd  
4 ended up dying?

5 A. According to them two or three lines you  
6 read, yes, sir.

7 MR. STEVENS: We pass the witness now.

8 REDIRECT EXAMINATION

9 BY MR. WALKER:

04:46:41 10 Q. Russell, did you intend to cause the death  
11 of James Byrd?

12 A. No, sir.

04:46:47 13 Q. Is your story a bunch of hogwash?

14 A. No, sir, it's the truth; and that's the  
15 reason why I'm telling it like -- the way it  
16 happened, and that's it. I can't help what I wrote  
17 seven -- six, seven, eight years ago explaining how I  
18 felt at that time because I was in jail fixing to do  
19 90-day violation back in the prison system.

04:47:13 20 Q. Did you start planning an incident such as  
21 this back in 1993?

22 A. No, sir.

04:47:26 23 Q. Was that because Sylvia was seeing somebody  
24 else during that period of time?

25 A. Well, at the time she was in Sulphur

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1 Springs. She went back to Fort Worth, been in the  
2 house two months' rent to do my 90 days, get out, get  
3 back with her. And when the baby was born -- and  
4 that's why I married her. And then married her and  
5 turned myself in for my violation and went to jail  
6 expecting to do 90 days and get out, I guess live the  
7 family life. And after I went to jail in Sulphur  
8 Springs she took off and went back to Fort Worth to  
9 the father of the little girl that she had before I  
10 met her, and that's -- I imagine that's that last  
11 statement he read -- that's what I was referring to  
12 because I was upset because she was going back to  
13 that guy that got her pregnant with her little girl  
14 she had before me with that first statement.

15 I guess that was just the way I was  
16 feeling, like I was hurt because she was -- she had  
17 left me in a situation where she was back with her --  
18 father of that little girl.

19 MR. WALKER: Thank you. Pass the  
20 witness.

21 MR. STEVENS: Nothing further, Your  
22 Honor.

23 THE COURT: You may step down.

24 MR. BARLOW: Defense rests, Your  
25 Honor.

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